

## QUESTIONNAIRE

Based upon the input received, the following guiding questions are set out below.

### I. Guiding questions concerning the preparatory process

#### 1. The outcome reads: “Forward these recommendations to UNEA for its consideration”.

- a. *Under which agenda item should UNEA 5 consider these recommendations?*
- b. *One option being under the inclusion in the already established item 5 of the provisional agenda entitled “International environmental policy and governance issues” or by recommending the establishment of a new item?*

Mexico supports the proposal to streamline consideration of these recommendations within the existing agenda to ensure efficiency. We agree that they could be considered under agenda item 5: “International environmental policy and governance issues”, given the nature of most of these issues, which refer to the lack of effective governance mechanisms for the implementation of multilateral environmental agreements (MEAs).

#### 2. The outcome mandates: “to prepare, at its fifth session (...) a political declaration (...):

- a. *What level of detail should a text have in order to be considered by UNEA 5?*  
It should be a short, outcome-oriented and straight-forward text. It should address the most relevant elements of the discussions held by the Open Ended Working Group in its three sessions, including:
  - a. A recognition and political reinforcement of the general principles of international environmental law, considering their different interpretations in specific sectoral contexts.
  - b. Acknowledgement of the links between the enforcement of international environmental law and the accomplishment of the 2030 Agenda, outlining how a strengthened implementation of MEAs is necessary towards meeting the SDGs.
  - c. A mandate to strengthen coordination between the Secretariats or other institutional arrangements of different environmental conventions and instruments, including groups of experts under UNEP (IPCC, GEO-6, among others), avoiding the proliferation of burdensome bureaucracies.
  - d. A call to support the fulfillment of MEAs through enhanced means of implementation that can catalyze national efforts, in accordance with each country’s capabilities and resources.
- b. *When should the “preparation of a political declaration” begin and what should be the recommended format, leadership and timeline of the preparatory process before UNEA 5?*

Considering the very short time that we have before UNEA 5, the preparatory process should start as soon as possible. A taskforce of State representatives should meet in Nairobi, led by UNEP, to work on a timeline, format and terms of reference of the negotiation process. High-level officers from capitals could meet in a workshop one or two days before UNEA to make final definitions.

- c. *How can accredited stakeholders be involved, and member States without representation in Nairobi participate, in the process?*

Inclusive participation from all Member States must be guaranteed, as well as that of relevant stakeholders from civil society, private sector and academia, through voluntary financing and the use of new technologies.

While the process should be led by UNEP from Nairobi, an option that could be considered is to have some of the more substantive discussions at UN Headquarters in NY to ensure the active participation of all country delegations. Regional groups should be encouraged to develop mechanisms that could increase regional representation in discussions that take place in Nairobi.

## **II. Guiding questions related to the a “United Nations high-level meeting [...] in the context of the commemoration of the creation of UNEP**

- 3. The outcome speaks about “a United Nations high-level meeting, subject to voluntary funding, in the context of the commemoration of the creation of the United Nations Environment Programme by the United Nations Conference on the Human Environment (...)”.**

- a. *What is meant by “a United Nations high-level meeting, subject to voluntary funding, in the context of the commemoration of the creation of the United Nations Environment Programme by the United Nations Conference on the Human Environment”?*

High-level should be taken to imply at least Ministerial level attendance. Voluntary funding will be essential to ensure that the meeting does not take away from other preparations for the commemoration of the UN Conference on Human Environment. However, holding it back-to-back to this occasion should facilitate high-level attendance and make logistical preparations more efficient.

While UNEA should define the format of the meeting, we suggest that the following options be considered:

- a) Hold a special session under UNEA-5;
- b) Celebrate the high-level meeting under the 77<sup>th</sup> UNGA;
- c) Hold the high-level meeting along with the celebration of the creation of UNEP and adopt the declaration in Stockholm, considering Sweden’s initiative to hold and commemorate the 1972 Stockholm Conference.

It would be crucial to negotiate with Sweden the celebration of two simultaneous events, one in Stockholm and one in Nairobi, considering the need to strengthen UNEP, in accordance with the provisions in paragraph 88 of “The future we want”.

Alternatively, the meeting could be held on the margins of the Rio+30 Summit in 2022, or other high-level events that particular Governments may choose to host in commemoration of the UN Conference on the Human Environment. In all cases, multi-stakeholder participation should be ensured.

- b. *Who is expected to convene the UN high-level meeting? What should its format be?*

The meeting should be convened by a UNEA-5 resolution or decision, and supported by the UN Secretary General in coordination with the Executive Director of UNEP.

### **III. Guiding questions regarding the content of the political declaration and the support by the UNEP Secretariat**

#### **4. The outcome also signals that the objective of the political declaration is “with a view to strengthening the implementation of international environmental law and international environmental governance, in line with paragraph 88 of the outcome document of the United Nations Conference on Sustainable Development, entitled ‘The future we want’”.**

- a. What ‘elements’ or ‘building blocks’ in the objectives guiding the recommendations and in the substantive recommendations contained in the Annex to Resolution 73/333 could be identified for inclusion in the political declaration to achieve the overall objective of “strengthening the implementation of international environmental law and international environmental governance, in line with paragraph 88 of the outcome document of the United Nations Conference on Sustainable Development”?*

Mexico would favor a political declaration that prioritizes the following objectives and substantive recommendations as part of its action-oriented content:

- (2) Uphold the respective obligations and commitments under international environmental law of States Members of the United Nations and members of specialized agencies;
- (3) Contribute to the strengthening of the implementation of international environmental law and environment-related instruments;
- (5) Not undermine existing relevant legal instruments and frameworks and relevant global, regional and sectoral bodies;
- (6) Reaffirm the role of the United Nations Environment Programme as the leading global environmental authority that sets the global environmental agenda, promotes the coherent implementation of the environmental dimension of sustainable development within the United Nations system and serves as an authoritative advocate for the global environment, and also reaffirm the role of the United Nations Environment Assembly;
- (7) Call for renewed efforts at all levels to enhance the implementation of existing obligations and commitments under international environmental law, stressing the importance of enhanced ambition regarding means of implementation, including the provision and mobilization of all types and sources of means of implementation, consistent with the Addis Ababa Action Agenda of the Third International Conference on Financing for Development 11 and the 2030 Agenda for Sustainable Development;
- (8) Recognize the role of discussions on principles of international environmental law in enhancing the implementation of international environmental law, also noting the ongoing work in the International Law Commission on general principles of law;

(15) Encourage States Members of the United Nations and all members of the specialized agencies to mainstream environment into sectoral policies and programmes at all levels, including into national development and sustainable development plans, to enhance the implementation of international environmental law and applicable environment-related instruments;

(16) Encourage the active and meaningful engagement of all relevant stakeholders at all levels in the different forums related to the implementation of international environmental law and environment-related instruments;

Mexico believes the political declaration must elucidate a vision towards the future and identify the additional actions that both States and agencies, particularly UNEP, must take considering the insufficient level of compliance with international commitments as reported by various instances of environmental monitoring.

The declaration should also solidify the role of UNEP as the international environmental authority.

- b. *How should the political declaration relate to the five objectives guiding the recommendations and to the thirteen substantive recommendations of the ad-hoc open-ended working group established pursuant to UN General Assembly resolution 72/277 and endorsed in UN General Assembly resolution 73/333?*

The political declaration should be a high-level call to reinforce the implementation of MEAs and revamp global commitment towards environmental protection in the context of sustainable development. In light of this overall goal, the five objectives might be developed as part of the declaration's preamble, recalling all relevant MEAs and processes, and integrating any guiding principles deemed important to its operationalization.

The thirteen substantive recommendations could be developed as operative paragraphs, delivering a comprehensive yet practical text, focusing on global efforts to comply with international environmental commitments (including means of implementation), but also on efforts by member States to incorporate these commitments as part of their national policies.

- c. *Should there be a substantive connection between the political declaration and the commemoration of the creation of the United Nations Environment Programme by the United Nations Conference on the Human Environment?*

Establishing a connection with the commemoration of the United Nations Conference on the Human Environment and the creation of UNEP will add coherence and visibility to the political declaration, given the importance of these events as milestones in the history of international environmental law.

However, the declaration should go beyond them, acknowledging progress in the development of international environmental law since 1972 and under the leadership of the entire UN system, including but not limited to UNEP. Therefore, such a connection is desirable and it should be promoted, but it is not *sine qua non* condition.

- d. *How should the political declaration be in line with paragraph 88 of the outcome document of the United Nations Conference on Sustainable Development?*

The political declaration must recognize and complement it, without replacing it. Also, Resolution RES/67/213 plays an important practical role in revitalizing the mandate of UNEP and it should be highlighted in the declaration.

- e. *What kind of inputs should the Secretariat prepare in order to best assist member States in the preparation of the political declaration?*

It would be useful for the Secretariat to recall some of the inputs presented in preparation for the three sessions of the Open Ended Working Group, particularly on the main barriers/obstacles for the implementation of MEAs and possible solutions that could be promoted through high-level political engagement.

The Secretariat should mainly focus on encouraging collaboration and facilitating the exchange of information between member States, more than producing additional technical inputs. Most importantly, the Secretariat should play a key role in building bridges between member States and other relevant stakeholders, in order to ensure an inclusive and comprehensive outcome.